

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the  
License to Conduct Gambling Activities of:

Kien Kim  
Seatac, Washington,

Licensee.

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) NO. CR 2013-00083  
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**NOTICE OF ADMINISTRATIVE  
CHARGES AND OPPORTUNITY  
FOR AN ADJUDICATIVE  
PROCEEDING**

I.

The Washington State Gambling Commission issued license number 68-17260 to Kien Kim, authorizing Card Room Employee activity at Wizards Casino in Burien. The license expires on January 22, 2014, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

David Trujillo, Acting Director of the Washington State Gambling Commission, charges the licensee with the following violations of the Washington State Gambling Act, 9.46 RCW, and WAC Title 230:

**SUMMARY:**

Kien Kim was arrested and pleaded guilty to Attempted Assault 3 for pushing a Police Officer during an incident at the Muckleshoot Casino in Auburn on October 16, 2012.

**FACTS:**

- 1) On January 8, 2013, a Washington State Gambling Commission Special Agent (agent) received a payment confirmation from Mr. Kim's on-line renewal application. The payment confirmation indicated he was charged with Assault in the 3<sup>rd</sup> Degree on November 23, 2012, and that the case was still open.
- 2) On January 9, 2013, the agent obtained a copy of the police report. The police report indicated Mr. Kim was present and playing at the Muckleshoot Casino in Auburn when an Auburn Police Officer was working extra duty and in full patrol uniform. The officer observed an argument at a gaming table involving a player and the pit boss which appeared to be escalating. Mr. Kim was also at the table. He did not initially seem to be involved in the incident but did use some profane language towards the pit boss.
- 3) At some point, the pit boss decided to cut off both players and told them to leave. Security came to escort them out of the building. The player resisted and had to be physically escorted outside the building. He was told he would face trespass charges if he didn't immediately

leave the casino. He failed to comply and eventually the Auburn Police Officer and the Muckleshoot Security Officers placed him in handcuffs. When the Auburn Police Officer initially confronted the player, the officer felt a hard shove to his back. At some point, the officer was told Mr. Kim had broken out of the crowd and shoved his back while he was restraining the player. Security Officers handcuffed Mr. Kim.

- 4) The police report included several statements from witnesses that documented Mr. Kim's involvement in the altercation. They all stated that Mr. Kim either pushed or grabbed the officer's back while he was trying to obtain control over the player.
- 5) On January 9, 2013, the agent also reviewed the court docket that indicated a Statement of Defendant on Plea of Guilty was filed and accepted.
- 6) On January 17, 2013, the agent received the Statement of Defendant on Plea of Guilty filed with the Auburn Municipal Court. In his statement, Mr. Kim understands that he was charged with Attempted Assault 3 and that the elements of the crime are: "with intent to commit assault 3, the defendant took a substantial step toward that crime by intentionally trying to strike a police officer in a harmful or offensive manner." Mr. Kim's statement said: "On October 16, 2012, in the city of Auburn, WA with the intent to commit assault 3, I took a substantial step toward that crime by intentionally trying to touch or strike Auburn Police Officer A. Gould in a harmful or offensive manner."
- 7) Mr. Kim was sentenced to 364 days in jail with 360 days suspended, and ordered to pay a fine of \$1,339.50.
- 8) The agent sent letters to Mr. Kim and his employer notifying them of his intent to recommend the revocation of Mr. Kim's license.

## **VIOLATIONS:**

### **RCW 9.46.075 Denying, suspending, or revoking an application, license or permit**

The commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

**WAC 230-03-085 Denying, suspending, or revoking an application, license or permit**

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person.

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by:

- (a) Prior activities; or
- (b) Criminal record; or
- (c) Reputation; or
- (d) Habits; or

**RCW 9.46.153(1) Applicants and licensees-Responsibilities and duties**

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

Kien Kim was arrested and entered a Statement of Defendant on Plea of Guilty to the charge of Attempted Assault 3<sup>rd</sup> Degree when he pushed an Auburn Police Officer. Mr. Kim has failed to prove by clear and convincing evidence the necessary qualifications for licensure, in violation of RCW 9.46.153. Therefore, under RCW 9.46.075(1), (4), and (8) and WAC 230-03-085(1), (2), and (8), grounds exist to revoke Mr. Kim's license.

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III.

Jurisdiction of this proceeding is based on 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, and WAC Title 230.

The licensee will have the opportunity to have a hearing on the alleged violations.

**In order to have a hearing or discuss settlement options**, the enclosed request for hearing must be completed and returned to the Gambling Commission **within 23 days** from the date of the mailing of this notice.

Based on RCW 34.05.440, failure to return a request for hearing will result in the entry of a default order REVOKING your license.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF THURSTON )

David Trujillo, being duly sworn on oath, says: That he has read this Notice of Administrative Charges and Opportunity for An Adjudicative Proceeding, knows the contents of it, believes it to be true, that he is the Acting Director of the Washington State Gambling Commission, and in that capacity has executed said Notice.

De Trujillo  
DAVID TRUJILLO, ACTING DIRECTOR

SUBSCRIBED AND SWORN TO before me  
this 6 day of March, 2013.

Maureen Pretell  
NOTARY PUBLIC in and for the State of  
Washington residing at Thurston County  
My commission expires on December 2, 2015



STATE OF WASHINGTON )  
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COUNTY OF THURSTON )

I certify I have this day served a copy of the document upon all parties of record in the proceeding by mailing a copy, property addressed with postage prepaid, by regular and certified mail to each party to the proceeding or his or her attorney or authorized agent.

Dated at Olympia, Washington this 7 day of March, 2013  
Maureen Pretell